l: Swanton E-5 (1911-12)1928 NNIl Creek NNIl

MARRIAGE

582 Accounts of marriage customs among our southern tribes vary so much that we must suppose the same was true of the customs themselves. This variation may have been due to difference in nationality, but it is rarely possible to determine to what groups if any the several accounts belong. The only exceptions are the description by Adair which, as usual, may be assumed to apply mainly to the Chickasaw and the notes by Bossu derived from the Alabama. Adair has the following to say on this subject:

"It is usual for an elderly man to take a girl, or sometimes a child to be his wife, because she is capable of receiving good impressions in that tender state: frequently, a moon elapses after the contract is made, and the value received, before the bridegroom sleeps with the bride, and on the marriage day, he does not appear before her till night introduces him, and then without tapers. . . .

"The Indians also are so fond of variety, that they ridicule the white people, as a tribe of narrow-hearted, and dull constitutioned animals, for having only one wife at a time; and being bound to live with and support her, though numberless circumstances might require a contrary conduct. When a young warrior cannot dress *alamode America*, he strikes up one of those matches for a few moons, which they term *Toopsa Táwah*,[97] 'a make haste marriage,' because it wants the usual ceremonies, and duration of their other kind of marriages. . . .

584 "When an Indian makes his first address to the young woman he intends to marry, she is obliged by ancient custom to sit by him till he hath done eating and drinking, whether she likes or dislikes him; but afterward, she is at her own choice whether to stay or retire. When

●585 the bridegroom marries the bride, after the usual prelude, he takes a choice ear of corn, and divides it in two before witnesses, gives her one half in her hand, and keeps the other half to himself; or otherwise, he gives her a deer's foot, as an emblem of the readiness with which she ought to serve him: in return, she presents him with some cakes of bread, thereby declaring her domestic care and gratitude in return for the offals: for the men feast by themselves and the women eat the remains. When this short ceremony is ended, they go to bed like an honest couple.

"Formerly, this was an universal custom among the native Americans; but this, like every other usage of theirs, is wearing out apace. The West-Floridians, in order to keep their women subject to the law of adultery, bring some venison or buffalo's flesh to the house of their nominal wives, at the end of every winter's hunt: that is reckoned a sufficient annual tye of their former marriages, although the husbands do not cohabit with them. The Muskóhge men, if

[97] This should be *tuskpa ñeueye*, from *tuskpa*, in haste, and *ñeueye*, to marry.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

585

newly married, are obliged by ancient custom, to get their own relations to hoe out the corn-fields of each of their wives, that their marriages may be confirmed: and the more jealous, repeat the custom every year, to make their wives subject to the laws against adultery. But the Indians in general, reckon that before the bridegroom can presume to any legal power over the bride, he is after the former ceremonies, or others something similar, obliged to go into the woods to kill a deer, bring home the carcass of venison, and lay it down at her house wrapt up in its skin; and if she opens the pack, carries it into the house, and then dresses and gives him some of it to eat with cakes before witnesses, she becomes his lawful wife, and obnoxious to all the penalties of an adulteress. . . .

"When the Indians would express a proper marriage, they have a word adapted according to their various dialects, to give them a suitable idea of it; but when they are speaking of their sensual marriage bargains, they always term it, 'buying a woman;' for example—they say with regard to the former, *Che-Awalas*, 'I shall marry you,' . . . *Che-Awala Awa*, 'I shall not marry you.' But the name of their market marriages is *Otoolpha*.[97a] [They say] *Eho Achumbàras*, *Saookchàa*,[97b] 'In the spring I shall buy a woman, if I am alive.' Or *Eho Achumbara Awa*,[98] 'I shall not buy a woman,' *Salbasa toogat*,[98] 'for indeed I am poor.' . . .

"They sometimes marry by deputation or proxy. The intended bridegroom sends so much in value to the nearest relations of the intended bride, as he thinks she is worth: if they are accepted, it is a good sign that her relations approve of the match, but she is not bound by their contract alone; her consent must likewise be obtained, but persuasions most commonly prevail with them. However, if the price is reckoned too small, or the goods too few, the law obliges them to return the whole, either to himself, or some of his nearest kindred. If they love the goods, as they term it . . . the loving couple may in a short time bed together upon trial, and continue or discontinue their love according as their fancy directs them. If they like each other, they become an honest married couple when the nuptial ceremony is performed, as already described. When one of their chieftains is married, several of his kinsmen help to kill deer and buffaloe, to make a rejoicing marriage feast, to which their relations and neighbours are invited: there the young warriors sing with their two chief musicians, who beat on their wet deer skin tied over the mouth of a large clay-pot, and raise their voices, singing *Yo Yo*, etc. When they are tired with feasting, dancing, and

[97a] Probably from *lisik*, "to lie down."
[97b] Obeyo, "woman"; achumpalas, "I buy"; saokchaha, "I hoe up land."
[98] Obeyo achumbala awa.
[98] Salbasha, "I am poor"; tuk, sign of recent past time; at, demonstrative article

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

•585 singing the Epithalamium, they depart with friendly glad hearts, from the house of praise." [1]

Bossu's description of Alabama marriage customs is short.

"The savages are ordinarily satisfied with one wife, of whom they are excessively jealous. When a savage passes through a village and [836] has no wife, he hires a girl for a night or two, according to his fancy, and the parents find in that nothing to blame;[2] they disturb themselves very little about their girl, giving as a reason that she has the right to her own body; the daughters of the savages do not abuse this liberty at all; they find it for their interest to appear modest in order to be sought in marriage; but with regard to the married women they [581] say that by marriage they have sold their liberty, and therefore they ought not to have any other men besides their husband. On their side [the men] reserve the right to have many wives. . . .

"Marriage . . . is of a simple nature, and of no other form than mutual consent of the parties. The future husband makes presents of skins and provisions at the cabin of the father of his intended; after the meal there is a dance, they sing of the war exploits of the ancestors of the husband. Next day the oldest man presents the wife to the parents of her husband. That is the entire marriage ceremony. . . . Those who are good warriors and good hunters choose the prettiest girls; the others have only the rejected and the ugly." [3]

From Romans:

[595] "Polygamy is here allowed, though not generally made use of; they marry without much ceremony, seldom any more than to make some presents to the parents, and to have a feast or hearty regale at the hut of the wife's father; when once married the women are bound to the strictest observation of obedience and conjugal fidelity, [the Indians] saying that she that has once sold herself, can not any more dispose of any thing whatever; and of their wives they are the most unreasonably jealous of any nation under the sun." [4]

Says Bartram:

"Amongst some of the bands in the Muscogulge confederacy, I was informed the mystery is performed after the following manner. When a young man has fixed his affections, and is determined to marry, he takes a Cane or Reed, such as they stick down at the hills of their Bean vines for their support: with this (after having obtained her parents' or nearest relations' consent) he repairs to the habitation of his beloved, attended by his friends and associates, and in the presence of the wedding guests, he sticks his Reed down, upright in the ground; when soon after his sweet-heart comes forth with another

[1] Adair, Hist. Am. Inds., pp. 138-141.
[2] Girls were also offered to strangers as a mark of hospitality; cf. Bossu, Nouv. Voy., vol. II, p. 17.
[3] Bossu, Nouv. Voy., vol. II, pp. 19-21.
[4] Romans, Nat. Hist. E. and W. Fla., pp. 87-88.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

Reed, which she sticks down by the side of his, when they are married; 585
then they exchange Reeds, which are laid by as evidences or certificates of the marriage, which is celebrated with feasting, music and dancing; each one of their relations and friends, at the wedding, contributes something towards establishing the new family. As soon as the wedding is over, the town is convened, and the council orders or recommends a new habitation to be constructed for the accommodation of the new family; every man in the town joins in the work, which is begun and finished in a day's time.

"The greatest accomplishments to recommend a young man to his favourite maid, are to prove himself a brave warrior, and a cunning, industrious hunter.

"They marry only for a year's time, and, according to ancient custom, at the expiration of the year they renew the marriage; but there is seldom an instance of their separating after they have children. If it should so happen, the mother takes the children, under her own protection, though the father is obliged to contribute towards their maintenance during their minority and the mother's widowhood.

"The Museogulges allow of polygamy in the utmost latitude; every [595]
man takes as many wives as he chooses, but the first is queen, and others are handmaids and associates.

"It is common for a great man amongst them, who has already [582]
half a dozen wives, if he sees a child of eight or nine years of age, who pleases him, and he can agree with her parents or guardians, to marry her and take her into his house at that age."[1]

Swan also recognizes that there was a diversity in marriage rites: 584

"Courtship is always begun by proxy. The man, if not immediately 585
acquainted with the lady of his choice, sends her his talk (as it is termed), accompanied with small presents of clothing, by some woman of her acquaintance. If the young woman takes his talk, his proxy then asks the consent of her uncles, aunts, and brothers (the father having no voice or authority in the business), which being obtained, the young woman goes to him, and they live together during pleasure or convenience. This is the most common mode of taking a wife, and at present the most fashionable.

"But if a man takes a wife conformably to the more ancient and serious custom of the country, it requires a longer courtship, and some established formalities.

"The man, to signify his wishes, kills a bear with his own hands, and sends a panful of the oil to his mistress. If she receives the oil, he next attends and helps her hoe the corn in her field; afterwards plants her beans; and when they come up, he sets poles for them to run upon. In the meantime he attends her corn, until the beans

[1] Bartram, Travels, pp. 513-513.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

584 585 have run up and entwined their vines about the poles. This is thought emblematical of their approaching union and bondage; and they then take each other for better or for worse, and are bound to all intents and purposes. A widow having been bound in the above manner, is considered an adulteress if she speaks or makes free with any man, within four summers after the death of her husband.

"With a couple united in the above manner, the tie is considered more strongly binding than in the other case; being under this obligation to each other, the least freedom with any other person, either in the man or woman, is considered as adultery, and invariably punished by the relations of the offended party, by whipping, and cutting off the hair and ears close to the head." [6]

Hawkins's account is shorter and his description recalls more nearly the ceremonies existing in later times:

"A man who wants a wife never applies in person; he sends his sister, his mother, or some other female relation, to the female relations of the woman he names. They consult the brothers and uncles on the maternal side, and sometimes the father; but this is a compliment only, as his approbation or opposition is of no avail. If the party applied to approve of the match, they answer accordingly, to the woman who made the application. The bridegroom then gets together a blanket, and such other articles of clothing as he is able to do, and sends them by the women to the females of the family of the bride. If they accept of them the match is made; and the man may then go to her house as soon as he chooses. And when he has built a house, made his crop and gathered it in, then made his hunt and brought home the meat, and put all this in the possession of his wife, the ceremony ends, and they are married; or as they express it, the woman is bound. From the first going to the house of the woman, till the ceremony ends, he is completely in possession of her.

"This law has been understood differently, by some hasty cuckolds, who insist, that when they have assisted the woman to plant her crop, the ceremony ends, and the woman is bound. A man never marries in his own tribe [i. e., clan]." [7]

Stiggins's testimony is to much the same effect:

"It is customary among them when a man selects the one that he wants for wife frequently without speaking to her or consulting her approbation to open the subject of his wishes for an alliance in their family, or have it done by some of his kinspeople, to some of her relatives though most properly to the uncle of the woman on the mother's side who has entire control of his nieces in cases of marriage or otherwise. Should the offer meet his approbation he does

[6] Swan in Schoolcraft, Ind. Tribes, vol. v, pp. 269-269.

[7] Hawkins in Ga. Hist. Soc. Colls., vol. III, p. 73; also p. 42 on the authority of an old Abihka chief named Ce-tau-lau or Tus-se-ki-ah Mic-co.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

not protract his consent longer than he can lay the proposal before her relations of the mother's side who are counted her mutual kinsmen and women, in which assembly the candidate's disposition and other qualities are discust. Neither the father nor any of the woman's father's family is ever consulted in the marriage of his children, as he and they are not of the same family, since the primogenitureship of all families descends from the mother. . . . When the uncle or relation has informed the rest of his kindred or clansmen of the proposal of marriage and by whom made, and [has indicated] that he approves the proposed match the rest of the family seldom refuse their assent; there is no fuss made of fortune, position, or chattels on either side. After such consultation, if the suitor should visit their dwelling before they do him, he is informed of the family acquiescence, and the bridal bed being publicly made for the pair, there is a conclusion of the courtship and marriage. After the consummation of the marriage and he finds her in clothes, should she be the first wife formally married to him and passes the *Boss ke tah* with him she is received as his actual wife by his kinsfolks and all others. After the solemnization of the new corn feast passes over them she is bound to him in the conception of his family during life or his pleasure. . . . As polygamy is only admitted among the men by the wife's consent, they use a great deal of craft to obtain it, in order to keep clear of the crime of adultery. All his later wives have to stay at their homes unless his wife should conclude with herself to let one stay with her in the house and do all the drudgery of the place as a waiting maid. By his wife's consent he can take as many wives or concubines as he chooses to maintain, but should his wife disapprove of his having a concubine and he obtain one against her will his wife's relations or clanspeople have it in their power to beat him and his concubine or second wife with sticks and cut off both their ears, after which he is separated from his wife and he has to retain the one beaten on his account. Nevertheless he has it in his power to keep his old wife single for four years or four *Booske tahs* unless she should elope with a man and elude the vigilance of his clan to the ensuing *Booske tah*. Then she is clear of punishment for her adultery, and ever after she is finally separated from him and the control of his clanswomen."[1]

The information on this subject which Hitchcock gathered from the Tukabahchee Indians contains some items not given by anyone else. He says:

"A young man wishing to marry a girl to whom he has taken a fancy goes to an aunt or some near female connection of his own and tells her his wishes. She then goes to the aunt or some near connection of the girl and makes it known. This connection of the

[1] Stiggins, Ms. Hist. Narr., pp. 21-23.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

584 girl then goes to the parents of the girl and tells the story. The
585 girl is not consulted in the case. If the parents are willing, a time for the ceremony of marriage is appointed by the connections. At the time appointed an outer house or corn crib is selected near the girl's house and a bowl of sofkee (boiled corn) is placed under the projecting shed of the crib in sight from the house, and here the girl has the privilege of exerting a veto. The girl is informed of the whole business and if she chooses to allow the man to steal up and take a spoonful of sofkee without her seeing him, it is a marriage and the parties sleep the first night in the corn crib. This has been the old custom, but is going out of use. After the ceremony the young man is not allowed to visit the house of his wife by day for the period of a month, but must visit his wife after dark and go away before day. The sofkee part of the ceremony is now generally
595 dispensed with. If a married man takes another wife, the first wife may assent to it passively or, if she chooses, she may whip the woman, but in this case she must move away and yield all her rights to the latter, who becomes the principal wife. In this way the man may take as many women as he pleases and is able to support. The wife, in the exercise of her prerogative, has a right to the assistance of her female relations and when it is exercised the ceremony is severe and makes a lasting impression. The object is to disfigure their victim and the wife uses her nails, scratches the face of the new wife, and whips her with switches. (The severity of this ceremony must exercise a considerable restraint upon both husband and women, making it necessary to consult the wife in advance in order that her assent may be assured, before her rights are encroached upon. Alexander said he knew of a case (*saw it*—and heard the language) when a wife exercised her right, saying as she laid on the lash, "You think it is honey, but I will make it vinegar before I'm done with you.")[10]

585 "Among the Creeks" (says Claiborne), "the marriage ceremony is this: The man gives the woman a piece of venison or some kind of meat, and she gives him an ear of corn in the presence of witnesses. They are then man and wife, at least until the green-corn dance. Then the married couple are released if either of them thinks proper to break the contract. In such case the woman keeps the children."[11]

584 From the accounts obtained by myself it is evident that the regular
614 marriage or "binding" was a clan (or rather exogamous group) affair and that it could be initiated by the clan of the youth or that of the girl. According to one statement the maternal uncles and cousins of a girl—i. e., the people of her clan—talked the matter over—probably at a clan council—and decided upon the young man who ap-

[10] Hitchcock, MS. notes.
[11] Claiborne, Miss., vol. 1, p. 492.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

peared to them most eligible, one who was a good hunter, a good warrior, or a good ball player, or all of these, he being also of course outside of the prohibited degrees. All his qualifications were reviewed and all possible objections, consanguineal and other, considered. After a majority of the clan relations had agreed they informed the girl's parents, and the latter told their daughter to make her bed ready. Then the youth was brought, and, pointing to the bed, they said to him, "There is your bed. Lie in it." Then they went away and left them. 584 614

On the other hand, at a council of the clan to which a certain youth belonged it might be suggested that he was a nice fellow and getting along in years, and that such and such a girl was well brought up and cared for and an altogether desirable match, and that they had better send over to her people and ask for her. Then they would send someone over. The people of the girl's clan would meet and say "In a few days you will hear from us." The time having elapsed, word would be sent, and, if it were favorable, in a few days more the young man was conducted thither. Then the parents of the girl informed her what was expected of her and told her to prepare her bed. They brought the youth in and told the two that that was to be their bed henceforth.[12] In olden times this was the only legal marriage; nevertheless, from what has been quoted it is apparent that temporary unions were tolerated in the nature of trial marriages or with women who had become outcasts.

Speck was told that a wife sometimes accompanied her husband to his town and resided there, in which case the children belonged to that town.[13] This must have happened rather rarely and in any case would not affect the clanship of the children, which always remained the same as that of the mother. 591

The testimony obtained from the Texas Alabama is to much the same effect as the foregoing. Marriages were arranged by the clan uncles and aunts, and the father and mother of both parties, who first agreed together and then talked to the young people in order to presuade them to agree. When this was accomplished the girl prepared her couch for her husband, who came after all were asleep and got up and left before daylight. He did the same thing every night for about a week, and for a month afterwards his wife's people did not talk much to him nor he to them. 585● [584]

These ceremonies apply particularly to marriage between quite young people. It is said that in marriages which took place later in life the parties concerned had as much voice in the matter as their clansmen and clanswomen. Probably they had more, as the

[12] Sometimes a separate house was put up for them before the wedding took place. See p. 372, and Speck in Mem. Am. Anth. Assn., vol. II, p. 117.

[13] Speck in Mem. Am. Anth. Assn., vol. II, p. 117.

1: Swanton E-5 (1911-12)1928 NN11 Creek NN11

585 prospective groom at least would now be a person of influence, able to make his wishes felt.

Swan is, as usual, the devil's advocate for the Creeks. He says that "marriage is considered only as a temporary convenience, not binding on the parties more than one year. . . .

"The married women are termed bound wenches—the single girls, free wenches. The least freedom with a bound wench is considered criminal, and invariably punished by the cropping law.

595 "A plurality of wives is allowed of—a mother and her two daughters are often kept by one man, at the same time; but this is most frequently by white traders, who are better able to support them. A large portion of the old and middle-aged men, by frequently changing, have had many different wives, and their children, scattered around the country, are unknown to them.

181 611 836 "Few women have more than two children by the same father; hence they have found the necessity of conferring the honors of chiefs and micos on the issue of the female line, for it would be impossible to trace the right by the male issue."[14]

Although there was no doubt an element of truth in this picture it is evident that Swan has magnified it very much, owing to his failure to understand the clan system and the collective terms in accordance with which people may be fathers, mother, sons, and daughters to each other in name but not in fact. The reason he gives for matrilineal descent is also offered by Bossu.[15] It is an old ex post facto explanation furnished sometimes by the Indians themselves and sometimes by their white chroniclers. It has no relation whatever to the sexual looseness of the people.

583 It will be observed that a tendency crops out here, which I also observed during my work upon the north Pacific coast, to the development of an official marriage and an unofficial yet tolerated union, and in both cases they may be traced to the same cause. The official marriage in the case of young people is made for, not by, them. It represents the kind of union which agrees with tribal convention and ought to be best for the prosperity of the clans concerned, for the tribe, and for the couple so married The parties thus mated are of the proper clans, the proper standing in the tribe, the proper age, and their virtues are such as to constitute a fair exchange. From all a priori considerations they are the mates for each other. Nevertheless, the serious blows which our conventions receive are signs that they are only conventions after all, and the same thing was true in primitive society. Thus it often happened that a couple which ought to agree did not, and in such cases it was frequently found necessary to undo what had been done. There can be no doubt that the frequency of divorce among many primitive peoples is

[14] Swan in Schoolcraft, Ind. Tribes, vol. v, p. 273 [15] Bossu, Nouv. Voy., vol. II, p. 21.